

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: OCTOBER 7, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: EOT-35550 – EXTENSION OF TIME – VARIANCE -**

**APPLICANT/OWNER: H.R. HERITAGE VILLAGE, LLC**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: APPROVAL**, subject to:

**Planning and Development**

1. This Variance (VAR-22675) shall expire on August 15, 2011 unless another Extension of Time is approved by the City Council.
2. Conformance to the conditions of approval of the Variance (VAR-22675) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The subject site currently has undeveloped land with a previously approved Variance (VAR-22675) to allow a 22-foot residential adjacency setback where 75 feet is required for a proposed two-story, 32-unit multi-family residential development. Since the approval of the Variance (VAR-22675), the applicant was issued demolition permits #104872 and #104867 on 12/28/07 to demolish existing structures located at 5019 and 5057 East Owens Avenue, which were subsequently destroyed. No building permits have been issued for the proposed project. Though Code Enforcement has processed six (6) different cases for the subject site, only one has occurred since the approval of the Variance (VAR-22675) for an abandoned vehicle, which Code Enforcement closed on 08/22/07. There is new development in the surrounding area that involves a proposed 9,790 square-foot commercial building located to the east of the subject site.

The applicant is requesting an extension of time due to the poor market conditions in the area. Staff is recommending approval with a two-year time limit.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
07/02/86	The City Council approved a request for a Rezoning (Z-0045-86) from R-2 (Two Family Residence) to R-3 (Limited Multiple Residential) of property located at 5057 East Owens Avenue. The Planning Commission recommended approval on 06/12/86.
03/15/89	The City Council approved a request for Rezoning (Z-0002-89) from R-2 (Two Family Residences) to R-3 (Limited Multiple Residence) of property located at 5019 East Owens Avenue. The Planning Commission recommended approval on 02/09/89.
04/13/04	A Code Enforcement case (12680) was processed for the property at 5057 East Owens looking like a junk yard with car parts, trucks, and debris all over the lot. Code Enforcement closed the case on 12/10/04.
04/15/04	A Code Enforcement case (13045) was processed for vehicles, equipment, junk, trash, and debris being stored on a vacant lot located at 5019 East Owens Avenue. Code Enforcement closed the case on 12/10/04. being stored
05/06/05	A Code Enforcement case (29659) was processed for vagrants living in a vacant house, and car parts in and around the building at 5057 East Owens Avenue. Code Enforcement closed the case on 07/25/05.

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
05/06/05	A Code Enforcement case (29660) was processed for vagrants living in a vacant house, and car parts in and around the building at 5019 East Owens Avenue. Code Enforcement closed the case on 08/02/05.
09/21/05	A Code Enforcement case (34754) was processed for a vacant building at 5019 East Owens Avenue. Code Enforcement closed the case on 01/26/08.
08/15/07	The City Council approved a request for Rezoning (ZON-22673) from R-2 (Medium-Low Density Residential) to R-3 (Medium Density Residential) on 1.97 acres on the south side of Owens Avenue approximately 570 feet west of Nellis Boulevard. The Planning Commission recommended approval on 07/12/07.
	The City Council approved a related request for a Site Development Plan Review (SDR-22674) for a proposed two-story, 32-unit multi-family residential development.
	The City Council approved a related request for a Variance (VAR-22675) to allow a 22-foot residential adjacency setback where 75 feet is required.
08/21/07	A Code Enforcement case (56961) was processed for an abandoned Chevy Suburban on the lot at 5057 East Owens Avenue. Code Enforcement closed the case on 08/22/07.
<b><i>Related Building Permits/Business Licenses</i></b>	
12/28/07	Permits #104872 and #104867 were issued for the demolition of existing structures at 5019 and 5057 East Owens Avenue. The buildings were subsequently demolished.

<b><i>Pre-Application Meeting</i></b>	
A pre-application meeting is not required for this type of application, nor was one held.	
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required for this type of application, nor was one held.	

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	1.97

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped Land- Proposed Multi-Family Residential Development	M (Medium Density Residential)	R-3 (Medium Density Residential)
North	Single-Family Residences	RH (Residential High)- Clark County	R-E (Rural Estates Residential)- Clark County
	Apartments	RH (Residential High)- Clark County	R-3 Multiple Family Residential)- Clark County
South	Undeveloped Land	R (Rural Density Residential)	R-E (Residence Estates)
East	Single-Family Residences	M (Medium Density Residential)	R-2 (Medium-Low Density Residential)
West	Single-Family Residences	M (Medium Density Residential)	R-3 (Medium Density Residential)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>		X	N/A
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>		X	N/A
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## ANALYSIS

This is the first request for an Extension of Time of a previously approved Variance (VAR-22675) to allow a 22-foot residential adjacency setback where 75 feet is required for a two-story, 32-unit multi-family residential development on 1.97 acres located on the south side of Owens Avenue, approximately 570 feet west of Nellis Boulevard. Since the approval of the Variance (VAR-22675), the applicant was issued demolition permits #104872 and #104867 on 12/28/07 to demolish existing structures located at 5019 and 5057 East Owens Avenue, which were subsequently destroyed. No new building permits have been issued for the proposed project. There is new development in the surrounding area that involves a proposed 9,790 square-foot commercial building located to the east of the subject site.

Title 19.18.070 deems a Variance exercised when a business license is issued to conduct the activity, if required, or upon the issuance of a certificate of occupancy or approval of a final inspection.

## **FINDINGS**

The Variance (VAR-22675) has not met the requirements outlined in Title 19.18.070 to exercise the entitlement as building permits have not yet been issued for the proposed project. The applicant is requesting an extension of time to allow the housing market to improve in the Las Vegas area. Staff is recommending approval with a two-year time limit. Conformance to the conditions of approval of the Variance (VAR-22675) shall be required.

<b><u>NEIGHBORHOOD ASSOCIATIONS NOTIFIED</u></b>	N/A
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<b><u>ASSEMBLY DISTRICT</u></b>	N/A
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<b><u>SENATE DISTRICT</u></b>	N/A
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<b><u>NOTICES MAILED</u></b>	N/A
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<b><u>APPROVALS</u></b>	0
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<b><u>PROTESTS</u></b>	0
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